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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 DE'MARIAN A. CLEMONS,
6 Plaintiff,
7 v.
8 BRIAN WILLIAMS, SR., et al.,
9 Defendants.

Case No.: 2:13-cv-00093-RFB-NJK

Order Denying Motion
(Docket Nos. 250, 261, 263)

10 Pending before the Court is the Office of the Attorney General's ("OAG") motion to
11 withdraw as counsel for Defendant Cheryl Dressler. Docket Nos. 250 (original motion, filed under
12 seal), 261 (supplemental motion), 263 (original motion, filed on public docket). Defendant
13 Dressler filed a response to the original motion, opposing the OAG's request. Docket No. 259.
14 The OAG filed a reply. Docket No. 264.

15 Pursuant to NRS 41.03415(2)(b), if the official attorney (in this case, the OAG) has
16 commenced defense of the person requesting defense and the official attorney "determines not to
17 defend," that attorney must give written notice to the person who requested the defense "20 days
18 before the time an application is made with the court to withdraw as the attorney of record in
19 accordance with NRS 41.0346."

20 In this case, the OAG provided written notice to Defendant Dressler on August 15, 2019.
21 Docket No. 250-3. The OAG filed its motion to withdraw on August 21, 2019, less than 20 days
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1 after providing notice to Defendant Dressler. *See* Docket No. 250. Therefore, the OAG has failed
2 to comply with the relevant statute.¹

3 Accordingly, the Court **DENIES** the OAG's motions, Docket Nos. 250, 261, 263, without
4 prejudice. The Court **VACATES** the hearing set for September 18, 2019.

5 IT IS SO ORDERED.

6 DATED: September 16, 2019.

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NANCY J. KOPPE
UNITED STATES MAGISTRATE JUDGE

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23 ¹ The Court is not persuaded by the OAG's argument that it complied with NRS 41.03415(2)(a),
as that paragraph clearly applies to a situation where defense has not yet been commenced and no
answer or responsive pleading has been filed. In this case, defense was clearly commenced;
therefore, NRS 41.03415(2)(b) applies and its requirements have not been met.